

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 69

HOUSE BILL 2260

AN ACT

AMENDING SECTION 12-113, ARIZONA REVISED STATUTES; AMENDING SECTION 12-116, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 193, SECTION 93; AMENDING SECTION 12-116, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 193, SECTION 94; AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-119.03; AMENDING LAWS 2000, CHAPTER 193, SECTION 598, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 2 AND LAWS 2002, CHAPTER 291, SECTION 17; AMENDING LAWS 2000, CHAPTER 193, SECTION 599, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 3 AND LAWS 2002, CHAPTER 291, SECTION 18; RELATING TO THE SUPREME COURT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 12-113, Arizona Revised Statutes, is amended to read:

12-113. Judicial collection enhancement fund; purpose; administration; report; definition

A. A judicial collection enhancement fund is established consisting of monies received from:

1. The time payment fee established in section 12-116.

2. The surcharge paid by a person attending a court ordered diversion program pursuant to section 12-114.

3. Monies deposited in the fund pursuant to section 12-114.01, section 12-119.01, subsection B, paragraph 1, section 12-120.31, subsection D, paragraph 1, section 12-284.03, subsection A, paragraph 7, section 22-281, subsection C, paragraph 1 and section 22-404, subsection C, paragraph 1.

4. Electronic filing and access fees collected pursuant to sections 12-119.02 and 12-120.31.

B. Courts wishing to receive monies from the judicial collection enhancement fund shall submit a plan to the supreme court. Subject to legislative appropriation, the fund monies shall be used according to plans approved by the supreme court to train court personnel, improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, including restitution, child support, fines and civil penalties, to improve court automation, to improve case processing or the administration of justice and for probation services.

C. The supreme court shall administer the fund and may expend monies in the fund, subject to legislative appropriation, for local, regional or statewide projects. The supreme court may directly provide or contract for services consistent with the purposes of the fund. Monies from the fund shall supplement monies already provided to local courts for purposes consistent with the purposes of the fund.

~~D. The supreme court shall submit annually to the legislature and to the governor a report detailing the amount of monies collected and expended and the progress made in improving the ability of the courts to collect monies.~~

D. BY JANUARY 8 OF EACH YEAR, THE SUPREME COURT SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE, FOR THE PRIOR FISCAL YEAR, THE TOTAL MONIES COLLECTED, THE AMOUNT SPENT AND FOR WHAT PURPOSES, INCLUDING AN EXACT EXPLANATION OF FUNDS DEFINED AS ADMINISTRATION OF THE FUND, THE AMOUNT REMAINING IN THE FUND AND THE NUMBER OF EMPLOYEES WHO ARE PAID FROM THE FUND AND THEIR JOB DESCRIPTIONS. THE REPORT SHALL ALSO DETAIL THE PROGRESS MADE IN IMPROVING THE ABILITY OF THE COURTS TO COLLECT MONIES.

E. On notice from the supreme court, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

1 F. After the court determines the amount due, the court shall transmit
2 to the county treasurer each month the fees collected pursuant to section
3 12-116, except that municipal courts shall transmit to the city treasurer
4 each month the fees so collected.

5 G. The county or city treasurer shall transmit to the state treasurer
6 on or before the fifteenth day of each month the fees collected pursuant to
7 subsection F of this section for deposit in the judicial collection
8 enhancement fund.

9 H. For the purposes of this article, "court authorized diversion
10 program" means a program in which an individual WHO IS charged with a civil
11 or criminal traffic offense or any other criminal offense is not prosecuted
12 for the offense on the successful completion of an authorized diversion
13 program. Successful completion of a defensive driving school program
14 resulting in dismissal of a civil or criminal traffic offense is considered
15 a court authorized diversion program under this section.

16 Sec. 2. Section 12-116, Arizona Revised Statutes, as amended by Laws
17 2000, chapter 193, section 93, is amended to read:

18 12-116. Time payment fee

19 A. In addition to any other assessment authorized by law, a fee
20 of twenty dollars shall be assessed on each person who pays a court ordered
21 penalty, fine, or sanction on a time payment basis, including parking
22 penalties, restitution and juvenile monetary assessments. A time payment
23 basis shall be any penalty, fine, or sanction not paid in full on the date
24 the court imposed the fine, penalty or sanction. Notwithstanding any other
25 law, the time payment fee shall be collected first after restitution. A
26 judge may not waive or suspend a time payment fee.

27 B. Eleven dollars of the time payment fee shall be deposited, pursuant
28 to sections 35-146 and 35-147, in the judicial collection enhancement fund
29 established by section 12-113. Two dollars of the time payment fee shall be
30 deposited, pursuant to sections 35-146 and 35-147, in the judicial collection
31 enhancement fund and shall be allocated by the supreme court to the county
32 public defender training fund established by section 12-117. Seven dollars
33 of the time payment fee shall be kept by the court imposing the fee to be
34 utilized USED by the court to improve, maintain and enhance the ability to
35 collect and manage monies assessed or received by the courts, to improve
36 court automation and to improve case processing or the administration of
37 justice. FOR AMOUNTS OVER AN AMOUNT DETERMINED BY THE SUPREME COURT, the
38 court shall submit a plan to the supreme court which must be approved by the
39 supreme court prior to the court expending such monies. IF THE PROPOSED
40 PROJECT WAS DESCRIBED IN THE INFORMATION TECHNOLOGY STRATEGIC PLAN SUBMITTED
41 BY THE COURT AND APPROVED BY THE SUPREME COURT, INCLUDING THE PROPOSED BUDGET
42 FOR THE PROJECT, THE PROJECT MAY PROCEED WITHOUT FURTHER APPROVAL OF THE
43 SUPREME COURT. IN THE CASE OF THE SUPERIOR COURT, THE PRESIDING JUDGE AND
44 CLERK OF THE SUPERIOR COURT MUST AGREE ON THE PROJECT OR IT SHALL BE
45 SUBMITTED TO AND APPROVED BY THE SUPREME COURT.

1 Sec. 3. Section 12-116, Arizona Revised Statutes, as amended by Laws
2 2000, chapter 193, section 94, is amended to read:

3 12-116. Time payment fee

4 A. In addition to any other assessment authorized by law, a fee
5 of twelve dollars shall be assessed on each person who pays a court ordered
6 penalty, fine, ~~or~~ sanction on a time payment basis, including parking
7 penalties, restitution and juvenile monetary assessments. A time payment
8 basis shall be any penalty, fine, ~~or~~ sanction not paid in full on the date
9 the court imposed the fine, penalty or sanction. Notwithstanding any other
10 law, the time payment fee shall be collected first after restitution. A
11 judge may not waive or suspend a time payment fee.

12 B. Seven dollars of the time payment fee shall be deposited, pursuant
13 to sections 35-146 and 35-147, in the judicial collection enhancement fund
14 established by section 12-113. Two dollars of the time payment fee shall be
15 deposited, pursuant to sections 35-146 and 35-147, in the judicial collection
16 enhancement fund and shall be allocated by the supreme court to the county
17 public defender training fund established by section 12-117. Three dollars
18 of the time payment fee shall be kept by the court imposing the fee to be
19 utilized USED by the court to improve, maintain and enhance the ability to
20 collect and manage monies assessed or received by the courts, to improve
21 court automation and to improve case processing or the administration of
22 justice. FOR AMOUNTS OVER AN AMOUNT DETERMINED BY THE SUPREME COURT, the
23 court shall submit a plan to the supreme court which must be approved by the
24 supreme court prior to the court expending such monies. IF THE PROPOSED
25 PROJECT WAS DESCRIBED IN THE INFORMATION TECHNOLOGY STRATEGIC PLAN SUBMITTED
26 BY THE COURT AND APPROVED BY THE SUPREME COURT, INCLUDING THE PROPOSED BUDGET
27 FOR THE PROJECT, THE PROJECT MAY PROCEED WITHOUT FURTHER APPROVAL OF THE
28 SUPREME COURT. IN THE CASE OF THE SUPERIOR COURT, THE PRESIDING JUDGE AND
29 CLERK OF THE SUPERIOR COURT MUST AGREE ON THE PROJECT OR IT SHALL BE
30 SUBMITTED TO AND APPROVED BY THE SUPREME COURT.

31 Sec. 4. Title 12, chapter 1, article 1, Arizona Revised Statutes, is
32 amended by adding section 12-119.03, to read:

33 12-119.03. Performance audit; administrative office of the
34 courts

35 THE AUDITOR GENERAL SHALL CONDUCT A PERFORMANCE AUDIT AS DEFINED IN
36 SECTION 41-1278 OF THE ADMINISTRATIVE OFFICE OF THE COURTS. THE AUDITOR
37 GENERAL SHALL LIMIT THE PERFORMANCE AUDIT TO THE ADMINISTRATION AND OPERATION
38 OF THE SUPREME COURT AND TO THOSE PROGRAMS AND FUNDS THAT ARE ADMINISTERED
39 BY THE SUPREME COURT. THE AUDITOR GENERAL SHALL SUBMIT COPIES OF THE
40 PERFORMANCE AUDIT TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE
41 OF REPRESENTATIVES AND THE CHAIRPERSONS OF THE SENATE JUDICIARY COMMITTEE AND
42 THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE OR THEIR SUCCESSOR
43 COMMITTEES.

1 Sec. 5. Laws 2000, chapter 193, section 598, as amended by Laws 2001,
2 chapter 8, section 2 and Laws 2002, chapter 291, section 17, is amended to
3 read:

4 Sec. 598. Effective date

5 A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1999,
6 chapter 175, section 6, and Laws 2000, chapter 193, section 94 AND THIS ACT
7 is effective from and after December 31, 2009.

8 B. Section 42-1201, Arizona Revised Statutes, as amended by Laws 1999,
9 chapter 250, section 7 and this act is effective from and after December 31,
10 2000.

11 C. Section 49-203, Arizona Revised Statutes, as amended by Laws 1999,
12 chapter 26, section 5 and this act is effective from and after December 31,
13 2000.

14 D. Section 49-361, Arizona Revised Statutes, as amended by Laws 1999,
15 chapter 26, section 17 and this act is effective from and after December 31,
16 2000.

17 Sec. 6. Laws 2000, chapter 193, section 599, as amended by Laws 2001,
18 chapter 8, section 3 and Laws 2002, chapter 291, section 18, is amended to
19 read:

20 Sec. 599. Delayed repeal

21 A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1997,
22 chapter 79, section 7, and Laws 2000, chapter 193, section 93 AND THIS ACT
23 is repealed from and after December 31, 2009.

24 B. Section 42-1201, Arizona Revised Statutes, as amended by Laws 1998,
25 chapter 1, section 144 and this act is repealed from and after December 31,
26 2000.

27 C. Section 49-203, Arizona Revised Statutes, as amended by Laws 1996,
28 chapter 194, section 5, chapter 351, section 39 and this act is repealed from
29 and after December 31, 2000.

APPROVED BY THE GOVERNOR APRIL 8, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2004.